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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,899

10/30/2003

Steven Francis Best

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9243

35525 7590 07/16/2007

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EXAMINER

HO, BINH VAN

ART UNIT

PAPER NUMBER

2163

MAIL DATE

DELIVERY MODE

07/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/697,899

Applicant(s)

BEST ET AL.

Examiner

Binh V. Ho

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10-30-2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

#### ¶ 12.187 Reopening of Prosecution After Appeal Brief or Reply Brief

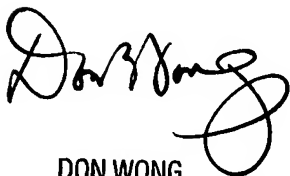
In view of the appeal brief filed on 03/19/2007, PROSECUTION IS  
HEREBY REOPENED. New grounds of rejection are set forth below. To avoid  
abandonment of the application, appellant must exercise one of the following two  
options:

(1) File a reply under 37 CFR 1.111 (if this Office action is non-final) or a  
reply under 37 CFR 1.113 (if this Office action is final); or,

(2) Initiate a new appeal by filing a notice of appeal under 37 CFR 41.31  
followed by an appeal brief under 37 CFR 41.37. The previously paid notice of  
appeal fee and appeal brief fee can be applied to the new appeal. If, however,  
the appeal fees set forth in 37 CFR 41.20 have been increased since they were  
previously paid, then appellant must pay the difference between the increased  
fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening  
prosecution by signing below:

Don Wong



DON WONG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show in Figure 3 **"file system 300"** as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

With respect to claim 16, the claim is rejected under 35 U.S.C. 101 for being directed toward non-statutory subject matter. It appears that the computer readable medium that is claimed by the Applicant is not limited to physical articles or objects, which are structurally and functionally interrelated to the program in such a manner that would enable the program to act as a computer component and realize any functionality. In

\*\*\* Applicant states that the computer readable medium for storing data in a file system

\*\*\*. The Applicant disclose in specification (Paragraph [0054]) "a computer readable medium of instructions and a variety of forms and that the present invention applies equally regardless of the particular type of signal bearing media actually used to carry out the distribution. Examples of computer readable media include recordable-type media, such as a floppy disc, a hard disc drive, a RAM, CD-ROMs, DVD-ROMs, and *transmission-type media, such as digital and analog communications links, wired or wireless communications links using transmission forms, such as, for example, radio frequency and light wave transmissions.* The computer readable media may take the form of coded formats that are decoded for actual use in a particular data processing system. " This type of communication medium or transmission medium is not limited to media, which meet the criteria set forth above.

Appropriate clarification and/or correction are required. It is noted that in this instance, Applicant's specification clearly distinguishes between media, which "store" versus communications media. Therefore, an amendment to the claims to recite a '...storage medium...' or '...storing a program...' would be favorably considered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 8-9, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Shinkai (US 2005/0234867).

(Claims 1, 8-9, and 16)

Shinkai discloses in figures 2, 6-9, a method in a data processing system for storing data in a file system (Abstract), the method comprising determining whether space is available in an inode for a file in the file system (Paragraph [0056], [0076]); and responsive to space being available, storing the data in the inode (paragraph [0076], [0079]).

5. Claims 1, 8-9, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Jiang (US 2003/0191745).

(Claims 1, 8-9, and 16)

Jiang discloses in figures 5-7, 11, a method in a data processing system for storing data in a file system (Abstract), the method comprising determining whether space is available in an inode for a file in the file system (Paragraph [0011], [0064]); and

Art Unit: 2163

responsive to space being available, storing the data in the inode (paragraph [0011], [0064]).

6. Claims 1, 8-9, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Doucette (US 2004/0139273).

(Claims 1, 8-9, and 16)

Doucette discloses in figures 2-3, a method in a data processing system for storing data in a file system (Abstract), the method comprising determining whether space is available in an inode for a file in the file system (Paragraph [0073]); and responsive to space being available, storing the data in the inode (paragraph [0074], [0075]).

7. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Crow (US 2004025490).

(Claim 1)

Crow discloses in figure 8C, 9-11, a method in a data processing system for storing data in a file system, the method comprising determining whether space is available in an inode for a file in the file system (132); and responsive to space being available, storing the data in the inode (142).

(Claim 2)

Crow discloses in figures 8A-8C, and 10, to determining whether additional data being present; and responsive to the additional data being present, storing the additional data in a partially filled block of another file (paragraph [0038], [0039], [0042] and [0044]).

(Claims 3, 11,18)

Crow discloses in figures 8A-8C, and 10, to responsive to spacing being unavailable, storing the additional data in a partially filled block of another file ([0034], [0038], [0039], [0042], [0044] and [0048]).

(Claims 4,12,19)

Crow discloses in figure 8C, wherein the partially filled block being a last block of the another file (paragraph [0042]).

(Claims 5,13,20)

Crow discloses in figures 5-10, wherein the space being located in an extension area in the inode.

(Claims 6,14,21)

Crow discloses further comprising determining whether a file size for the data being divisible by a block size for blocks in the file system; and if the file size is divisible by the block size, storing the data in a block (paragraph [0031], [0034]).

(Claim 7)

Crow discloses further comprising determining whether space being available in the inode to store the data; and responsive to room being unavailable in the inode, storing the data in a partially filled block of another file ([0048]).

(Claim 8)

Crow discloses in figures 3 and 8C, a data processing system for storing data in a file system, the data processing system comprising a bus system; a communications unit connected to the bus system; a memory connected to the bus system, wherein the



Art Unit: 2163

memory includes a set of instructions; and a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to determine whether space is available in an inode of the file in the file system; and store the data in the inode in response to space being available (paragraph [0048] and [0053]).

(Claim 9)

Crow discloses in figure 8C, a data processing system for storing data in a file system, the data processing system comprising determining means for determining whether space is available in an inode of the file in the file system; and storing means, responsive to space being available, for storing the data in the inode (paragraph [0048] and [0053]).

(Claims 10,17)

Crow discloses in figures 5, 8C, and 10, wherein the determining means being a first determining means and the storing means is a first storing means and further comprising second determining means for determining whether additional data is present; and second storing means, responsive to the additional data being present, for storing the additional data in a partially filled block of another file (paragraph [0042]-[0044]).

(Claims 15,22)

Crow discloses in figures 8A-8C, and 10, wherein the determining means being a first determining means and the storing means is a first storing means and further comprising: second determining means for determining whether space is available in the inode to store the data; and second storing means, responsive to room being

Art Unit: 2163

unavailable in the inode, for storing the data in a partially filled block of another file ([0034], [0038], [0039], [0042], [0044] and [0048]).

(Claim 16)

Crow discloses in figures 3, and 8C, a computer program product in a computer readable medium for storing data in a file system, the computer program product comprising first instructions for determining whether space is available in an inode of the file in the file system; and second instructions, responsive to space being available, for storing the data in the inode (paragraph [0048] and [0053]).

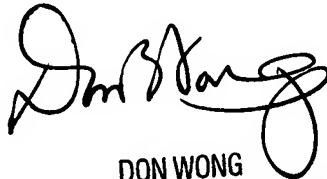
### Inquiry

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Binh V Ho  
Examiner  
Art Unit 2163

  
DON WONG  
SUPERVISORY PATENT EXAMINER  
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